

FEB 23 1967

JOHN F. DAVIS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

No. 424

JERRY DOUGLAS MEMPA,

Petitioner,

vs.

B. J. RHAY, Superintendent,
Washington State Penitentiary,

Respondent.

MOTION TO APPOINT COUNSEL

Petitioner, Jerry Douglas Mempa, who is now held in the Washington State Penitentiary, Walla Walla, Washington, moves this Court for an order appointing counsel herein.

After this Court granted Certiorari herein on February 13, 1967, petitioner executed and filed a motion and affidavit for leave to proceed further in forma pauperis. If this Court will appoint counsel, petitioner respectfully requests that Evan L. Schwab, Esq., of 1411 Fourth Avenue, Seattle, Washington, be appointed so to serve, for the following reasons:

Evan L. Schwab is a member in good standing of the Washington State Bar Association. He graduated with high honors from the University of Washington Law School in 1963, and then spent a year serving as law clerk to Mr. Justice William O. Douglas. He has been engaged in the private practice of law in Seattle, Washington since July, 1964. Mr. Schwab has represented petitioner since the Washington Supreme Court denied the habeas corpus petition.

Mr. Schwab prepared the petition for writ of certiorari which was filed herein, and he is completely familiar with all facets of the case. He is serving without pay.

On May 24, 1967, Mr. Schwab will have been a member of the Bar of the State of Washington for a period of three years, and thereafter he will qualify in all respects to petition for admission to the Bar of the United States Supreme Court. He will therefore seek formal admission when this case is called during the October Term, 1967.

WHEREFORE, petitioner prays that an Order be entered appointing Evan L. Schwab, Esq., of 1411 Fourth Avenue, Seattle, Washington, to serve as his counsel herein.

Jerry Douglas Mempa

STATE OF WASHINGTON)
) SS.
COUNTY OF WALLA WALLA)

JERRY DOUGLAS MEMPA, being first duly sworn, on oath deposes and says:

That he is the petitioner in the above-entitled action; that he has read the foregoing Motion to Appoint Counsel, knows the contents thereof, and believes the same to be true.

Jerry Douglas Mempa
Subscribed and sworn to before me this 17 day of February, 1967.

Jerry Douglas Mempa
Notary Public in and for the State
of Washington, residing at Walla Walla